

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GRAND ELECTRIC, LLC,

Plaintiff,

v.

INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS LOCAL
265, et. al.,

Defendants.

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4:09CV3160

MEMORANDUM AND ORDER

Pursuant to the telephonic conference held today,

IT IS ORDERED:

- 1) The parties shall confer and attempt to resolve the pleading issues presented by plaintiff's motion to add a cause of action seeking a refund for any and all fringe benefit contributions allegedly overpaid by Grand Electric to the Defendant Funds and the Defendant Trustees (see filing no. [120](#));
- 2) If the parties are able to resolve the pleading issues described in paragraph (1) of this order, on or before November 23, 2010, the parties shall file a joint stipulation for amendment or the plaintiff shall file an unopposed motion to amend the pleadings in accordance with the parties' agreement.
- 3) If no agreement is reached regarding the pleading issues described in paragraph (1) of this order, on or before December 1, 2010, the plaintiff shall file a reply brief addressing the substantive law arguments raised in the defendant's brief opposing plaintiff's motion to amend.
- 4) The motion to compel filed on behalf of Defendants Dakotas Funds, (filing no. [124](#)), is granted, and:
 - a. On or before November 17, 2010, the plaintiff shall produce a copy of its general ledger for the January 1, 2005 to the present, and its monthly bank statements or financial account statements for each month during that time period.
 - b. All such records produced will be held confidential under the terms and provisions of the protective order entered in this case. See filing no. [115](#).

November 10, 2010.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge